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REMARKS

Claims 1 – 8, 11, 13, 16 and 17 are pending in the application.

Claims 8, 11, 13, 16 and 17 are canceled without prejudice. Claim 1 is amended.

35 U.S.C. 112

Claim 8 is rejected under 35 U.S.C. 112 since a failure to reply is not a case of the rejection signal of claim 1.

Claim 8 is canceled without prejudice.

Claim 1 has been amended as per the suggestion of the Examiner to recite "unit" in place of "probe". Claim 11 is canceled without prejudice.

35 U.S.C. 103

Claims 1 – 8 are rejected under 35 U.S.C. 103 as being unpatentable over the combination of Hronek (US 6,564,055) in view of Byrne (EP 0 719 064 A2).

The Examiner summarizes the relevant features of Hronek taken from the Abstract and then correctly notes that Hronek does not teach about outputting roaming rejection signals in response to requests from non-preferred networks, which rejection signals are intended to cause registration attempts to fail. Rather, Hronek teaches the use of a database listing preferred networks to influence the mobile unit to select a preferred network.

Byrne also does not teach rejection signals and indeed the Examiner recognizes this in his statement where he notes that the combination of Hronek and Byrne would teach "that a call may be automatically carried out using a radiotelephone system having the highest quality or lowest cost." However, carrying out a call using a radiotelephone system having the highest quality or lowest cost is *not taught* by claim 1 of the present application. To say as the Examiner does that the two systems are functionally similar is not sufficient in law to find a rejection of obviousness unless the claim is defined only in terms of that function. That is not however the situation in claim 1. Claim 1 teaches the use of rejection signals and the Examiner has *not* shown that the use of roaming rejection siganls is rendered obvious.

The claim covers a way in which the *home* network can choose a *roaming* network for the roaming unit to use. The decision can be made based on any considerations that the home network may wish to take into account. The system works in that the device attempts to register at one roaming network. If that network

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is not preferred then the home network sends rejection signals to the roaming network which therefore rejects the registration. The process does not involve any willing cooperation on the part of the non-preferred network. The claim does *not* teach handover from one network to another or anything functionally equivalent to handover, contrary to the suggestion of the Examiner's rejection, but rather teaches network selection against the interest and without the cooperation of the non-preferred roaming network. Rather the roaming unit then becomes disconnected and makes another registration attempt of its own. The home network then again decides if this registration attempt is to be accepted, or is again to be rejected by the use of rejection signals.

There is nothing in Hronek or Byrne or the combination of Hronek and Byrne to teach the concept of rejection of registration as a tool in network selection.

There is nothing in the present application which teaches handover from one network to another. On the contrary, handover as taught in Byrne requires *cooperation* between the two networks between whom handover is carried out. In the present claim the home network makes a decision of its own as to which is a preferred network. The decision is entirely against the interest of the non-preferred network which therefore *does not participate* in the activity but simply receives rejection signals.

Starting with the combination of Hronek and Byrne, and their description of handover, an objective problem may be recognized of asking how such a handover may be adapted for a roaming environment in which a third party, a home network, wishes to choose a new network without the cooperation of the non-preferred network. The skilled person will understand that the non-preferred network does wish to host the roamer and will make every attempt to resist the roamer being transferred to another network. The skilled person will see that Byrne teaches handover in which the non-preferred network cooperativelytransfers call information to the preferred network and will appreciate that the combination of Hronek and Byrne does not solve his problem. The inventive solution is to turn away entirely from the concept of handover and instead to consider the issue of registration, which is the responsibility of the home network. The home network is given responsibility to confirm that the roamer is authorized for roaming through a registration process in which the home network either confirms or denies registration. In the invention the home network uses the registration rejection signals as taught in the present claims to enforce its

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decision about a non-preferred network by preventing the registration at that network but allowing the registration at the preferred network. Such registration and rejection signals are entirely absent from the teaching of Hronek and entirely absent from Byrne. Furthermore, this solution is not taught or even vaguely suggested by the combination of Hronek and Byrne. No hint is made that the home network should control network selection through rejection signals, which are not discussed in either of the two citations. On the contrary, the combination of Hronek and Byrne would tend to teach that network selection is only possible where there is cooperation from the rejected network for a handover process in order to successfully handoff a voice call or data session to the new network. That is to say, Hronek and Byrne teach away from the present invention.
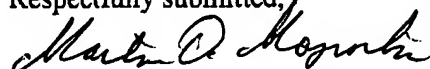
Furthermore, the method of "the preferred network communicating with the non-preferred network in order to handover..." as described by the Examiner, is not applicable for the case of mobile roaming registration. With handover, call information is transferred between the preferred and non-preferred networks. By contrast with mobile roaming, the registration process has to involve the home network, which is the only network holding the subscriber attributes and preferences. Neither the preferred nor the non-preferred roaming networks have any information about the roaming user before registration takes place. The user profile is stored in the home network HLR (Home Location Registry) and downloaded to the VLR (Visitor Location Registry) of the roaming network in order to enable the roaming subscriber for various services. The registration is also restricted to roaming agreements between the visited network and the home network, which further shows the participation of the home network in the roaming registration process. Thus the handover taught by the Examiner, a process involving two networks sharing out the data and communication, is not the function equivalent of registration at a preferred network, a process involving a home network selecting which of two roaming networks is to provide the communication services. In order to facilitate acceptance of the application, claim 1 has been amended to specifically recite that the rejection signals are rejections to roaming registration requests. However, it is noted that the prior art does not teach any kind of rejection signal from the home network to the roaming network, and the present amendment is made without prejudice, particularly to the right to file a divisional application in respect of an unamended version of the claim.

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Claims 2 – 7 are believed to be allowable as being dependent on allowable claim 1.

Claims 8, 11, 13, 16 and 17 are canceled at this time, and the right is reserved to file divisonal applications in respect thereof.

All the matters raised by the Examiner are believed to have been dealt with by this response and acceptance of the application is respectfully awaited,

Respectfully submitted,

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Date: August 24, 2006